REMARKS/ARGUMENTS

In the Office Action mailed March 26, 2008 (hereinafter, "Office Action"), claims 1-20 and 22-25 stand rejected under 35 U.S.C. § 103. Claim 21 has been canceled.

Applicant respectfully responds to the Office Action.

I.   Claims 1-20 and 22-25 Rejected Under 35 U.S.C. § 103

Claims 1-20 and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0063880 to Raney (hereinafter, "Raney") in view of U.S. Patent Application Publication No. 2002/0075508 to Luman (hereinafter, "Luman"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims at issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references "must teach or suggest all the claim limitations." M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at **37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Furthermore, teaching away from an applicant's invention demonstrates a lack of *prima facie* obviousness. *McGinley v. Franklin Sports*, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001); *In re Fine*, 837 F.2d, 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). A reference teaches away from a claimed invention when the reference leads its reader "in a direction divergent from the path that was taken by the applicant." *Tec Air, Inc. v. Denso Mfg. Mich. Inc.*, 52 USPQ2d 1294, 1298 (Fed. Cir. 1999).

Independent claims 1, 17 and 22 of the Present Application each require, among other things, "a background process on a computer system for monitoring the status of the imaging job . . . wherein the background process is initiated by the despooling subsystem" and terminated "when the imaging job is completed." *See, e.g.,* Present Application at [70] ("When the background thread 406 receives the completion response, success or failure, the background thread 406 notifies the print processor 402 of the response and terminates.") (Figure 4 shows that the completion response is sent to the status monitor/background thread 406 only "after Output.") and [56] (with reference to the embodiments illustrated in Figures 4-7, "The system monitors job completion and errors after the job has been RIP'ed [raster image processed] on the printing device.").

Neither Raney, Luman, nor their combination teach or suggest a "background process on a computer system for monitoring the status of the imaging job. . . wherein the background process is initiated by the despooling subsystem" and is terminated "when the imaging job is completed." In fact, both Raney and Luman teach away from these limitations.

Raney expressly teaches that "health information can be collected on a periodic basis . . . during idle print time." Raney at [0026]. Health information could not be collected during idle print time if the monitoring process was initiated by the print despooler and terminated when the imaging job is completed. Further, the explanation of Figure 5 of Raney expressly teaches that:

> [I]f no problems are detected at 508, or after warning messages relating to these problems have been sent as indicated in block 510, <u>flow returns to block 500 where the print system monitor 318 again communicates with the print system components to gauge their health</u>. Preferably, such communication is made with these components on a <u>periodic basis</u> so that up-to-date status information can be collected and conveyed to the user.

Raney at [0034] (emphasis added.) (Also, Figure 5 shows an arrow from boxes 508 and 510 to box 500, teaching an ongoing cycle of monitoring). Thus, Raney fails to teach termination of a monitoring program on a computer system upon completion of print job and, in fact, teaches monitoring print systems components even during "idle print time."

Luman likewise fails to teach these limitations. Luman teaches wireless notification of a print job using a "wireless receiver [that] is a different device from the initiating device." Luman at

[0008] and Figure 1. The Examiner asserts that Luman teaches termination of a background process, citing a portion of Luman which states, "The problem notification process repeats until the print job ends." Office Action at p. 3.

However, the "notification process" of Luman uses a "printing device 120 [not a computer system] [that] transfers a message to a wireless transmitter 130 for transmission to a wireless receiver 131 over a wireless link 132." Luman at [0033] and Figure 1. As the "notification process" of Luman involves only a printing device 120, a wireless transmitter 130, and a wireless receiver 131, there is thus no disclosure of or need for a "background process on a computer system for monitoring the status of the imaging job." (Emphasis added.) As a result, there is also no disclosure in Luman of termination of such a background process on a computer system after completion of a print job. Just as Raney does, Luman also fails to disclose initiation of the background process by the print despooler.

As a result, neither Raney, Luman, nor their combination teach or suggest a "background process on a computer system for monitoring the status of the imaging job" that is terminated "when the imaging job is completed." Independent claims 1, 17, and 22 are thus allowable over the cited art. Claims 2-16, 18-20, and 23-25 depend from these independent claims and are thus likewise allowable.

II.   Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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Date: June 26, 2008

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